## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA Alexandria Division

C.M. BUSTO,

Plaintiff,

:

v. : Case No. 1:22-cv-771 (RDA/IDD)

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FAIRFAX COUNTY, ET AL., :

:

Defendants.

:

## <u>DEFENDANT'S RULE 12(b)(5) MOTION TO DISMISS</u> PLAINTIFF'S COMPLAINT

Defendant Fairfax County, by special appearance of counsel, requests that this case be dismissed pursuant Fed. R. Civ. P. 12(b)(5) for insufficient service of process. <sup>1</sup>

Respectfully submitted,

FAIRFAX COUNTY

By Counsel, by special appearance

<sup>1</sup> Pursuant to Local Rule 7(K), the following notice is provided to the *pro se* plaintiff:

(bearing a certificate that is signed under penalty of perjury). The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

The *pro se* party is entitled to file a response opposing the motion and any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed. The Court could dismiss this action on the basis of the moving party's papers if the *pro se* party does not file a response. The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements

## ELIZABETH D. TEARE COUNTY ATTORNEY

By \_\_\_\_\_/s/

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Counsel for Fairfax County, by special appearance

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of August, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a true copy of the foregoing to the following:

C.M. Busto 1041 Wisconsin Avenue Washington D.C. 20007 (223) 233-7157 Saskatoon.banzai@proton.me Counsel for Fairfax County

/s/	
Kimberly P. Baucom	